UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
LABEL HEALTH, LLC,	X : : :	20 Civ. 5161 (PAE)
Plaintiff, -v-	: : :	<u>ORDER</u>
UNITED AMERICAN SUPPLY, LLC, DAVID UNDERWOOD, ARLETTA TAYLOR, and AL TAYLOR,	: : :	
Defendant.	: : : X	

PAUL A. ENGELMAYER, District Judge:

On July 6, 2020, plaintiff filed the complaint in this case, asserting diversity of citizenship of the parties as the sole basis for federal jurisdiction. Dkt. 1. On review, it appears to the Court that plaintiff and one defendant each are a limited liability company ("LLC"). "[W]hen the citizenship of an LLC or LP is in question, a district court may not proceed to the merits without first determining whether it has subject-matter jurisdiction." *Platinum-Montaur Life Scis., LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 619 (2d Cir. 2019); *see also Curley v. Brignoli, Curley & Roberts Assocs.*, 915 F.2d 81, 83 (2d Cir. 1990) ("[S]ubject matter jurisdiction is an unwaivable *sine qua non* for the exercise of federal judicial power."). The citizenship of an LLC is the citizenship of each of its constituent members. *See Handelsman v. Bedford Village Assoc. Ltd. P'ship*, 213 F.3d 48, 51–52 (2d Cir. 2000) (citing *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195–96 (1990); *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998)); *see also DigitAlb, Sh.a v. Setplex, LLC*, 284 F. Supp. 3d 547, 560 (S.D.N.Y. 2018)

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("[T]his Court cannot determine the citizenship of [defendant LLC] because the Complaint does

not set forth the citizenship of [its] members.").

Accordingly, to ensure that there is a basis for diversity jurisdiction, the Court directs

counsel to amend the complaint or to file a letter that lists the citizenship of each of plaintiff's

and the LLC defendant's members, by July 24, 2020.

SO ORDERED.

Paul A. Engelmayer

United States District Judge

Dated: July 7, 2020

New York, New York

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